



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Meeting Agenda Full Detail City Commission

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Tuesday, December 6, 2011

6:00 PM

Old City Hall

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**ADA Assistance:** It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

### CALL MEETING TO ORDER

### ROLL CALL

**INVOCATION** - Deacon Peter Batty, St. Mary's Star of the Sea

### PLEDGE OF ALLEGIANCE TO THE FLAG

### APPROVAL OF AGENDA

### PROCLAMATIONS

- 1                      National Homeless Persons Memorial Day  
**Sponsors:**       Mayor Cates and Commissioner Weekley  
**Attachments:**    [Proclamation](#)
  
- 2                      Real Men Wear Pink Sneakers Week  
**Sponsors:**       Mayor Cates  
**Attachments:**    [Proclamation](#)

### PRESENTATIONS

- 3                      The .5 Mill Referendum - Monroe County Schools, Chairman John Dick  
  
**Sponsors:**       Mayor Cates  
**Attachments:**    [The .5 Mill Referendum](#)

**City Attorney's Report****City Manager's Report****CONSENT AGENDA\***

\*Item is considered to be routine and enacted by one motion with no separate discussion, unless requested by a Commission Member or citizen, in which event the item will be removed from the order and considered in its normal sequence on the agenda. The City of Key West may take action on any matter during this meeting, including items that are not set forth within this agenda.

**MINUTES**

4                      \*November 22, 2011 (Special)

**Attachments:**    [Minutes](#)

**RESOLUTIONS**

5                      \*Approving the inclusion of the 800 through 1500 blocks of Virginia Street as well as the 1100 and 1200 blocks of Margaret Street, Packer Street, Grinnell Street and Watson Street in the Residential Parking Program.

**Sponsors:**        Commissioner Lopez and Commissioner Johnston

**Attachments:**    [Resolution](#)  
                         [Executive Summary](#)  
                         [Exhibit A](#)

6                      \*Authorizing Helpline Inc. to conduct their Annual Fair to take place at the Truman Waterfront during the hours of 10:00 A.M. to 10:00 P.M. starting on Friday, December 16, 2011 through Sunday, January 1, 2012 (set up Thursday, December 15, 2011).

**Sponsors:**        City Manager Scholl

**Attachments:**    [Resolution](#)  
                         [Application](#)  
                         [Advertisement](#)  
                         [Additional Information](#)

- 7                   \*Authorizing Rotary Club of Key West, Inc. to conduct a fundraiser at Dewitt Roberts Field (Wickers Sports Complex) and Pedro Aguilar Field (Clayton Sterling Complex) for the Third Annual Marques Butler Memorial Softball Tournament on Saturday, January 28 and Sunday, January 29, 2012 from 8:00 A.M. to 11:00 P.M. pursuant to terms and conditions set forth by the Office of the City Manager; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 8:00 A.M. to 11:00 P.M. on Saturday, January 28 and Sunday, January 29, 2012; Authorizing the sale and consumption of alcoholic beverages on the date and during the hours stated above.

**Sponsors:**       City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Application](#)  
                          [Advertisement](#)

- 8                   \*Authorizing the Key West Art Center to conduct a Craft Festival Show on Saturday, January 28, 2012 and Sunday, January 29, 2012 during the hours of 10:00 A.M. to 5:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Whitehead Street between Greene Street and Eaton Street including Caroline on January 28, 2012 and January 29, 2012 from 10:00 A.M. to 5:00 P.M.

**Sponsors:**       City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Application](#)  
                          [Advertisement](#)

- 9                   \*Authorizing the Key West Art Center to conduct an Art Show on Saturday, February 25, 2012 and Sunday, February 26, 2012 (street closed from February 25, 2012 6:00 A.M. through February 26, 2012 8:00 P.M.) during the hours of 10:00 A.M. to 5:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Whitehead Street between Greene Street and Eaton Street including Caroline on February 25, 2012 and February 26, 2012 from 10:00 A.M. to 5:00 P.M.

**Sponsors:**       City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Application](#)  
                          [Advertisement](#)

- 10                   \*Authorizing Executive Adventures, LLC to conduct a World Sailfish Championship and Tournament Festivities at Mallory Square Plaza starting on Tuesday, April 17 through Saturday, April 21, 2012 from 12:00 Noon to 12:00 Midnight (set up April 13 - 17, 2012 and breakdown April 21 - 23, 2012); Pursuant to terms and conditions set forth by the City Manager; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 11:00 A.M. to 12:00 Midnight; Authorizing the sale and consumption of alcoholic beverages within an enclosed area; Approving a five year contract starting on 2012 through 2016 with Executive Adventures; Providing payments to the City.

**Sponsors:**       City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Application](#)  
                          [Agreement](#)

**Legislative History**

10/5/11	City Commission	Withdrawn
11/1/11	City Commission	Postponed
11/15/11	City Commission	Postponed

- 11                   \*Approving the attached 2012 Meeting Schedule for the Key West City Commission.

**Sponsors:**       City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [2012-Meeting Dates](#)

- 12                   \*Authorizing the City to provide up to three free shuttle bus trips per calendar year for residents of the Key West Housing Authority Senior Citizen Center.

**Sponsors:**       City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Executive Summary](#)

- 13                   \*Authorizing Free Public Transportation Bus Services in Key West and the Lower Keys from Wednesday, December 21st through and including December 24th, 2011.

**Sponsors:**       City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Executive Summary](#)  
                          [Farebox Report 12-2010](#)

- 14                   \*Authorizing pursuant to Sections 2-797(3) and 2-844(a) and (b) of the Code of Ordinances the purchase of Microsoft Software from Software House International Corp. (SHI) in the amount of \$53,065.43.
- Sponsors:**     City Manager Scholl
- Attachments:**   [Resolution](#)  
                                  [Executive Summary](#)  
                                  [State of Florida 252-001-09-1](#)  
                                  [SHI Bid](#)  
                                  [Gov Connection Bid](#)  
                                  [PCMailGov Bid](#)
- 15                   \*Accepting pursuant to Section 2-797(3)(b) and 7-798 of the Code of Ordinances the attached proposal of Niles Sales & Service, Inc. in the total amount of \$33,948.70 for one Chevy Tahoe for use by the Key West Fire Department.
- Sponsors:**     City Manager Scholl
- Attachments:**   [Resolution](#)  
                                  [Executive Summary](#)  
                                  [Niles Price Quote](#)  
                                  [Alan Jay Price Quote](#)  
                                  [10-18-0907 Ordering Instructions](#)  
                                  [10-09-0907 Extension Memo](#)
- 16                   \*Approving the attached Mutual Aid Agreement between the City of Key West and the Monroe County School District regarding a School Resource Officer at Key West High School.
- Sponsors:**     City Manager Scholl
- Attachments:**   [Resolution](#)  
                                  [Executive Summary](#)  
                                  [Mutual Aid Agreement and Backup](#)
- 17                   \*Approving an Inter-local Agreement between the City and the Monroe County Board of County Commissioners for reimbursement of certain public access water-related expenses.
- Sponsors:**     City Manager Scholl
- Attachments:**   [Resolution](#)  
                                  [Executive Summary](#)  
                                  [Letter from the City](#)  
                                  [Support documents](#)  
                                  [Interlocal Agreement](#)

- 18                    \*Approving the attached agreement regarding management and maintenance for the Key West Marine Park by Reef Relief.

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [Marine Park Agreement](#)

- 19                    \*Authorizing the award of Task Order No. 04 to Atkins North America, Inc. for Environmental Permitting Services at Smathers Beach as required by Florida Department of Environmental Protection (FDEP) and United States Army Corps of Engineers (USACE) in an amount not to exceed \$39,640.00; Approving necessary budget transfers.

**Sponsors:**        City Manager Scholl

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [Task Order #04](#)  
                              [Resolution 11-051](#)

- 20                    \*Awarding the bid of Lanzo Construction, Inc., for the construction of the Patricia/Ashby Street Stormwater Emergency Outfall Project in an amount not to exceed \$1,485,580.00 (city 25% match).

**Sponsors:**        City Manager Scholl

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [City Clerk Memo](#)  
                              [CH2M Hill Letter](#)  
                              [Lanzo Construction Bid Proposal](#)  
                              [DN Higgins Bid Proposal](#)  
                              [Charley Toppino and Sons Bid Proposal](#)  
                              [Letter from FEMA](#)  
                              [Resolution 11-076](#)

- 21                    \*Exercising the second of two one-year renewal options stipulated in the contract for Grant Writing Services with Sheila Griffin Inc., originally approved in Resolution No. 09-185.

**Sponsors:**        City Manager Scholl

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [Resolution 10-347](#)  
                              [Resolution 09-185](#)  
                              [Resolution 09-124](#)

- 22                   \*Approving the attached Supplemental Joint Participation Agreement (SJPA) between the Florida Department of Transportation (FDOT) and the City of Key West for additional funding for the Lower Keys Shuttle in the amount of \$441,120.00.

**Sponsors:**       City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Executive Summary](#)  
                          [AQ173 Commuter Assistance FY10-11 JPA](#)  
                          [SJPA #1 AQ173 \(Blank\)](#)  
                          [LKS Worksheet](#)  
                          [LKS Grant History](#)

- 23                   \*Extending the contract for construction of Headworks Modifications at the Richard A. Heyman Environmental Protection Facility with Encore Construction Company, LLC until January 27, 2012 for substantial completion, and to February 27, 2012 for final completion on a no-cost basis.

**Sponsors:**       City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Executive Summary](#)  
                          [Contractor's Extension Request Letter](#)  
                          [Engineer's Letter Supporting Time Extension](#)  
                          [Resolution 10-349 - Encore Construction Contract Award](#)

- 24                   \*Extending by an additional 180 days the moratorium declared in Ordinance No. 10-07, and extended in Resolution Nos. 10-235, 11-023 and 11-204, on the issuance of any permit, license, business tax receipt, franchise or similar authorizations related to motorized and non-motorized commercial vehicles that make primary use of city streets in the operation of their businesses.

**Sponsors:**       City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Executive Summary](#)  
                          [\\*Large File - Presentation](#)  
                          [Resolution 11-204](#)  
                          [Ordinance 10-7](#)

- 25                   \*Authorizing the City Manager to enter into an agreement with US Real Estate Services, property owner(s) in Code Compliance Case Number CES-10-347 (3317 Eagle Avenue) permitting a release of lien upon payment by the owners of a mitigated amount of \$2,500.00.

**Sponsors:**     City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Executive Summary](#)

- 26                   Authorizing a \$34,000.00 expenditure to A Positive Step of Monroe County, Inc. for the Summer Job Training Program.

**Sponsors:**     Commissioner Weekley

**Attachments:**   [Resolution](#)  
                          [Positive Step Information](#)  
                          [Idle Hands Job Training Program](#)

**Legislative History**

11/1/11           City Commission                   Postponed

- 27                   Supplementing Ordinance No. 03-15, as amended and supplemented by an Ordinance enacted this date, which authorized the issuance of not exceeding \$6,400,000.00 Sewer System Revenue Bonds, Series 2011, of the City to finance sewer projects originally funded through the State of Florida Department of Emergency Management and paying costs of issuance related thereto; Pledging a parity lien on the net revenues of the sewer system for the payment of such bonds; Providing for the rights of the registered owners of such bonds; Appointing a Bond Registrar and Paying Agent; Authorizing the private negotiated sale of such bonds pursuant to the terms and conditions described herein and in the commitment; Designating such bonds as qualified tax-exempt obligations within the meaning of the Internal Revenue Code; Establishing the reserve requirement for such bonds; Providing certain other matters in connection therewith.

**Sponsors:**     City Manager Scholl

**Attachments:**   [Resolution](#)  
                          [Executive Summary](#)  
                          [Award Recommendation Letter](#)  
                          [Proposed Sewer System Revenue Bonds, Series 2011 \(15-Year Financing\) BB](#)  
                          [Fitch Ratings Confirms AA- Bond Rating](#)

**ORDINANCES - SECOND READING (Public Hearing)**



28

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles", Article XI "Wreckers and Towing Service" by adding Division 3 "Non-consensual Private Towing Services", Sections 70-701, 70-702, 70-703, 70-704, 70-705, 70-706, 70-707, 70-708, 70-709 and 70-710 to provide for authority, purpose and definitions in enacting regulations governing nonconsensual tows; Providing for the issuance of operating permits; Providing for the setting of rates and requirements for non-consensual tows; Providing for enforcement and penalties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Mayor Cates and Commissioner Rossi

**Attachments:** [Ordinance](#)  
[Letter from Towing Companies](#)  
[Towing Rates](#)

**Legislative History**

11/1/11	City Commission	Postponed
11/15/11	City Commission	Passed to Second Reading

29

An Ordinance of the City of Key West, Florida supplementing Ordinance No. 03-15; Authorizing the issuance of not exceeding \$6,400,000.00 Sewer System Revenue Bonds, series 2011, of the City to finance sewer projects originally funded through the State of Florida Department of Emergency Management and paying costs of issuance related thereto; Pledging a parity lien on the net revenue of the sewer system for the payment of such bonds; Providing for the rights of the registered owners of such bonds; Appointing a bond registrar and paying agent; Authorizing the private negotiated sale of such bonds to a national banking organization with a designated office in the State of Florida selected by the City Commission pursuant to a request for proposals conducted in compliance with State law and the Code of Ordinances of the City of Key West pursuant to the terms and conditions described herein and in the commitment; Designating such bonds as qualified tax-exempt obligations within the meaning of the Internal Revenue code; Establishing the reserve requirement for such bonds; Authorizing an amendment to the reserve account requirement upon consent of a majority of bondholders; Providing certain other matters in connection therewith; Providing for an effective date.

**Sponsors:** City Manager Scholl

**Attachments:** [Ordinance](#)  
[New Executive Summary](#)  
[Award Recommendation Letter](#)  
[Proposed Sewer System Revenue Bonds, Series 2011 \(15-Year Financing\)](#)  
[Letter from Bryant, Miller and Olive](#)  
[Loan Timetable](#)  
[Request for Proposals](#)  
[Florida Dept. of Emergency Management Letter](#)  
[Fitch Ratings Affirms Key West AA- Bond Rating](#)

**Legislative History**

11/15/11	City Commission	Passed to Second Reading
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**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT**